

IN THE MATTER OF THE VERIFIED)	
PETITION FOR WRIT OF PROHIBITION)	
AND/OR TO EXERCISE APPELLATE)	
JURISDICTION OVER ORDERS OF THE)	
DISTRICT COURT.)	
-----)	
STATE OF IDAHO,)	O R D E R
)	
Petitioner,)	NO. 29203
)	Ref. No. 02S-389
v.)	
)	
DISTRICT COURT OF THE FOURTH)	
JUDICIAL DISTRICT and HON. DEBORAH)	
A. BAIL, District Judge,)	
)	
Respondents.)	

The following matters are pending:

1. VERIFIED PETITION FOR WRIT OF PROHIBITION AND/OR TO EXERCISE APPELLATE JURISDICTION OVER ORDERS OF THE DISTRICT COURT with supporting MEMORANDUM and AFFIDAVIT OF COUNSEL with attachments filed by Petitioner December 23, 2002.
2. VERIFIED PETITION FOR INTERVENTION BY IDAHO SCHOOLS FOR EQUAL EDUCATIONAL OPPORTUNITY (ISEEO); TWENTY-TWO (22) SCHOOL DISTRICTS, AND 36 PATRONS and BRIEF with attachments filed January 7, 2003.
3. MOTION FOR JUDICIAL NOTICE AND MOTION TO DENY PETITION FOR WRIT OF PROHIBITION OR MANDATE with attachments filed by Idaho Schools for Equal Educational Opportunity April 28, 2003.
4. AMENDED VERIFIED PETITION FOR WRIT OF PROHIBITION AND/OR TO EXERCISE APPELLATE JURISDICTION OVER ORDERS OF THE DISTRICT COURT with attachments filed by Petitioner May 1, 2003.

The Court has entered an Order in the case of State of Idaho v. Idaho Schools for Equal Educational Opportunity, et al., No. 29616 delegating jurisdiction to the District Court to determine the constitutionality of House Bill 403 and enter an appropriate Order at which time that appeal shall proceed. Accordingly, the Court has determined to grant the Intervention by

Idaho Schools for Equal Educational Opportunity but to stay all further proceedings in this Court and the District Court. Therefore, good cause appearing,

IT IS HEREBY ORDERED that the VERIFIED PETITION FOR INTERVENTION BY IDAHO SCHOOLS FOR EQUAL EDUCATIONAL OPPORTUNITY (ISEEO); TWENTY-TWO (22) SCHOOL DISTRICTS, AND 36 PATRONS be, and hereby is, GRANTED and the Idaho Schools for Equal Educational Opportunity is granted leave to intervene in these proceedings as a Respondent.

IT IS FURTHER ORDERED that Respondent, District Judge Deborah A. Bail, and any Special Master appointed or which may be appointed to the case of Idaho Schools for Equal Educational Opportunity v. State, District Court Case No. 94-008 be, and hereby are, ENJOINED from any further action by the Special Master, any further approval of costs paid to the Special Master or attachment of the state's property by the Special Master until further Order of this Court.

IT IS FURTHER ORDERED that all further proceedings be, and hereby are, SUSPENDED in this Court with regard to this matter.

IT IS FURTHER ORDERED that the caption of this case shall be amended as follows:

IN THE MATTER OF THE VERIFIED PETITION FOR WRIT OF
PROHIBITION AND/OR TO EXERCISE APPELLATE JURISDICTION
OVER ORDERS OF THE DISTRICT COURT.

STATE OF IDAHO,

Petitioner,

v.

DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT and
HON. DEBORAH A. BAIL, District Judge,

Respondents,

and

IDAHO SCHOOLS FOR EQUAL EDUCATIONAL OPPORTUNITY (ISEEO);
TWENTY-TWO (22) SCHOOL DISTRICTS AND 36 PATRONS,

Intervenors-Respondents.

DATED this _____ day of June 2003.

By Order of the Supreme Court

Linda Copple Trout, Chief Justice

ATTEST:

Frederick C. Lyon, Clerk

cc: Counsel of Record
District Judge Deborah A. Bail